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By Email

City of Burlington
c/o Jo-Anne Rudy, Committee Clerk
Community Planning, Regulation and Mobility Committee
426 Brant Street, PO Box 5013
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Attention: Members of Council

CC: Heather MacDonald
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Dear Sirs/Mesdames:

Re: Proposed Official Plan and Zoning Bylaw Amendments as a result of the ICBL Land Use Study

We are submitting this letter to formally and respectfully note our objections to proposed Official Plan Amendments related to the Interim Control By-law ("ICBL") Land Use Study, and to request that you repeal the ICBL as it relates to the Downtown Urban Growth Centre ("UGC").

Background

In March 2019, Burlington City Council approved the implementation of an Interim Control By-law ("ICBL") to restrict development of lands within the Downtown UGC and lands near the Burlington GO Centre. The restriction was intended to enable the City to assess the role and function of the downtown bus terminal and the Burlington GO station as Major Transit Station Areas ("MTSAs"); examine the planning policies, mix of land uses and densities in the study area; and to update the Official Plan and Zoning by-law regulations as needed based on the analysis of the study area. In December 2019, Dillon Consultants completed the ICBL Land Use Study commissioned by the City, and City Planning issued a Staff Report to the Community Planning, Regulation and Mobility Committee of Council. The Staff Report recommends that Council adopt a series of proposed Official Plan Amendments and Zoning By-

law Amendments associated with the ICBL Land Use Study. The Staff Report also recommends that Council repeal the ICBL provided that no appeals are filed.

Our Site

Circle K owns the site municipally know as 1447 Lakeshore Road in Downton Burlington, at the corner of Lakeshore Road and Locust Street. Today, the site includes an Esso gas bar and a Circle K convenience store with a Tim Hortons outlet. While our existing businesses are successful and provide important service retail for the community, they do not represent the highest and best use for the site with respect to fulfilling the long-term potential of the Downtown.

Our site is unique in the Downtown, and represents a critical opportunity site for the City and the Region. Unlike many other Downtown infill development sites, our site is relatively large (at 0.3 hectares), is very close to transit service, has no adjacent sensitive land uses and is situated at a prominent intersection that can establish a gateway to the Downtown along the Burlington waterfront. It is uniquely able to deliver high-quality mixed-use and transit-oriented development while respecting and complementing the Downtown Burlington urban fabric. Our site is within walking distance of several significant destinations (in no particular order):

- Burlington Performing Arts Centre
- Art Gallery of Burlington
- Spencer Smith Park
- Brant Street Pier
- Joseph Brant Hospital
- Village Square
- City Hall
- Burlington Visitor Information Centre
- Waterfront Hotel Burlington
- Joseph Brant Museum

Our hope is that Burlington City Council appreciates the significance of our site and shares with us the vision for its potential as a key component of the Downtown and overall City-wide development objectives. We also hope that Official Plan policies relating to Downtown growth will support the potential for appropriate intensification of our site and the fulfillment of Provincial UGC, Mobility Hub and MTSA policies.

Support for proposed alignments of Official Plan with Provincial Policy

We are pleased to see that the City of Burlington is initiating the process of aligning Official Plan policies and Zoning By-law regulations with Provincial policies regarding employment, jobs and transit infrastructure in MTSAs. We look forward to the official delineation of MTSA boundaries and density targets through the future Municipal Comprehensive Review.

Objections to the Proposed Official Plan Amendments

1. *The Growth Plan requires that all MTSAs be planned to be transit-supportive, and the proposed MTSA typologies in the Official Plan Amendment are inconsistent with the Growth Plan.*

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) clearly provides that “[a]ll major transit station areas will be planned and designed to be transit supportive” (Section 2.2.4 8.), and that within all major transit station areas, development will be supported, where appropriate, by prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities (Section 2.2.4 9).

The City’s proposed Official Plan Amendments, and in particular the proposed policy language for Official Plan Part III Section 7.0, run contrary to the clear policy direction of the Growth Plan by seeking to direct intensification away from the Downtown Burlington MTSA. The proposed Official Plan policy direction that the Downtown Burlington MTSA is “not expected to be a significant driver for intensification beyond that which is required by the Downtown UGC” represents an intention to discourage intensification rather than plan according to the MTSA planning directions within the Growth Plan.

Further, the proposed introduction of Burlington’s own typology of MTSA’s in the Official Plan is inappropriate and unnecessary. The Growth Plan is already clear on the minimum density targets for MTSA’s based on transit service types, and on the need to plan for transit-supportive environments and development densities within all MTSA’s. There is no Provincial policy basis for further municipal parsing of MTSA typologies (especially for the purpose of discouraging transit-supportive intensification). Instead, the Growth Plan provides that municipalities will delineate MTSA boundaries and propose density targets through the Municipal Comprehensive Review process. We urge Council to focus on fulfilling the Provincial MTSA policy objectives through the MCR process and to reject the inclusion of the proposed Official Plan Amendments that do not conform with the Growth Plan.

2. *The proposed Official Plan Amendments will hinder the appropriate intensification of key opportunity sites in the Downtown Burlington MTSA, and thus jeopardize Burlington’s ability to achieve Provincial and Regional density targets.*

There is clear and consistent policy direction for transit-supportive intensification in Downtown Burlington. The Burlington Official Plan must support that direction, both by broadly supporting high-quality intensification in the area and by not unnecessarily restricting intensification on strategically important sites such as 1447 Lakeshore Road.

The Growth Plan identifies the area as an MTSA and requires that the municipality establish minimum density targets. It also identifies the area as an Urban Growth Centre, with a minimum density target of 200 people and jobs per hectare. In addition, the ICBL Land Use Study acknowledges that Metrolinx considers Downtown Burlington a Mobility Hub, which are generally forecast to achieve a minimum density of approximately 10,000 people and jobs within an 800 metre radius. The Halton Regional Official Plan reflects the Provincial direction for transit-supportive intensification in the area, and identifies Downtown Burlington as a UGC, a Mobility Hub and an MTSA.

The proposed Official Plan Amendments are explicitly intended to prevent the use of the Downtown Burlington MTSA as a planning justification for intensification. That intention is entirely inconsistent with the Provincial and Regional policy framework, and will jeopardize Burlington’s ability to realize the associated growth targets. That represents poor planning both for the continued success of Downtown Burlington and for the success of the GGH region.

Properties like 1447 Lakeshore Road west are critical for the achievement of Provincial and Regional growth planning as they offer the opportunity to appropriately introduce mixed-use intensification in an area with access to transit, a mix of land uses, a high concentration of amenities, and an established pedestrian-oriented urban fabric and higher volumes of pedestrian activity. Our property is particularly well-suited for mixed-use intensification because of the size of the lot, the lack of sensitive land uses, the proximity to transit service and the potential to create a prominent gateway to the Downtown that addresses and complements the waterfront.

Each city has a finite number of excellent opportunity sites to deliver high-quality intensification in support of established planning policy and the success of its primary cultural and business centre. Our 1447 Lakeshore Road property represents one of those opportunity sites. The proposed Official Plan Amendments in Part III Section 7.0 that seek to diminish the intensification of the Downtown Burlington MTSA would significantly hamper the potential of 1447 Lakeshore Road and similar opportunity sites, and reduce the ability of the City to meet its growth targets. That proposed language should be rejected by Council.

Also, the inclusion of policy language in Part III Sections 7.2.2 o) and Section 7.2.4.2 a) respectively provide that Regional and Provincial population and employment density targets will be applied City-wide and not on a site-by-site basis. This clearly seeks to diminish the use of Regional and Provincial density targets as planning justification for individual development projects, but also overlooks the fact that achieving density targets City-wide will require that some sites exceed the targets in order to make up for sites that cannot appropriately deliver intensification. We urge Council reject the language in Part III Sections 7.2.2 o) and 7.2.4.2 a) or to require that they be amended to recognize the importance of key sites in meeting averaged density targets.

3. *The Growth Plan requires that land use policies in MTSAs support transit investments, whereas the proposed Official Plan Amendments discourage intensification and downplay the significance of the Downtown Burlington MTSA. Municipal planning would better serve the City and region if there were more focus on growing ridership at the downtown bus terminal than on constraining growth.*

The ICBL Land Use Study and proposed Official Plan Amendments to Part III Sections 7.0 and 7.2.4 of the Burlington Official Plan downplay the existing and potential future role of the downtown bus terminal as a significant piece of transit infrastructure, and suggest that the Downtown Burlington MTSA is not an appropriate area to focus residential intensification. We object to this conclusion, and urge Council to consider the importance of aligning land use policies with transit assets and investments in order to create successful and sustainable communities that will accommodate forecast population growth.

The ICBL Land Use Study acknowledges that there is a clear rationale for the Provincial identification of the downtown bus terminal as a MTSA. It notes that while current ridership is low, the bus terminal is located in the densest area of the City and is an important transfer point in the City system. It further acknowledges that certain forms of intensification—specifically office uses and major trip generators—would support its role as a MTSA. What we find troubling is the subsequent suggestion in that Study that MTSA-supportive intensification does not

include *residential* development. The Study also suggests that the bus terminal is not likely to be a significant driver of intensification. That conclusion is then used as justification in the proposed Part III Sections 7.0 and 7.2.4 of the Official Plan to suggest that the Downtown Burlington MTSA is not a suitable location for residential intensification.

The Growth Plan requires that land use policies support transit-supportive intensification of people and jobs in MTSA. It does not provide that plans for intensification are only required if the MTSA itself is already driving intensification. It also does not provide that residential intensification be excluded from MTSA planning.

We also note that regardless of whether the existing bus terminal is driving intensification, there is nonetheless a demonstrable market demand for residential intensification within the Downtown Burlington MTSA. People want to live and work in Burlington's most vibrant core. This is a fortunate alignment of market trends with Provincial growth management policy, but the City's proposed Official Plan Amendments run contrary to both. Instead of harnessing the real demand for residential options in Downtown Burlington to support the continued success of the area and grow transit ridership in the MTSA, the proposed Official Plan Amendments seek to significantly curtail housing options and the potential associated growth in transit riders, and to push growth to other MTSA. We object to this approach because it does not conform with the Growth Plan and does not represent sound long-term planning for Downtown Burlington.

We urge Council to direct staff to focus planning efforts on enhancing transit ridership within the Downtown Burlington MTSA rather than using low ridership as a means of justifying anti-intensification policies. The ICBL Land Use Study indicates that the most likely reasons for existing low transit ridership at the downtown bus terminal are a limited number of major trip generators and a lack of connectivity with other services. We believe there are many major trip generators in the Downtown (including a significant regional park, a hospital, and City Hall, among other), and hope that land use policies will set the conditions to attract more. We also believe that Council should work with its municipal and Provincial partners to enhance ridership Downtown by focusing on improved connectivity with surrounding municipalities and delivering the Brant Street priority bus corridor between the Burlington GO Station and the downtown bus terminal, as identified by the Metrolinx Regional Transportation Plan and Halton Region's Mobility Management Plan.

We see great potential in the downtown bus terminal. It is centrally located in densest part of the City and is surrounded by surface parking lots that could one day be used for expansion or transit-oriented development. We think that land use policies encouraging growth in residential and employment density around the terminal, combined with improved service connectivity to other transit stations and municipalities, would enable the terminal to play the role that is clearly envisioned in Provincial and Regional plans. This forward-looking approach would support the success of Downtown Burlington far more than restricting intensification and neglecting to plan for the evolution of the City's primary bus hub.

We are encouraged by the inclusion of the proposed Official Plan policy language in Part III Section 7.2.2 n) that provides that the City will consider transit signal priority on portions of Brant Street to strengthen connections between the Downtown Burlington MTSA and the Burlington GO MTSA. However, we feel that this policy language should provide a stronger

imperative for completion of that initiative and that the Official Plan should also direct staff to seek other solutions to increasing the ridership at, and regional benefit of, the downtown bus terminal.

4. *Downtown Burlington is an ideal location for intensification that will support the success of Burlington's cultural and commercial core, with conditions that support sustainable population and job growth. The Official Plan should actively support the growth of the area and not seek to push growth to areas where residents and employees cannot sustainably meet their daily needs. As business operators and land owners in Downtown Burlington we feel that it is the ideal place to direct growth in people and jobs. A growing population supports the success of the local businesses and cultural assets and events, and enabling that population to live within walking and cycling distance reduces the need for auto use and devoting land to parking.*

We find that much of the ICBL Land Use Study supports our view, and are concerned that the City's proposed Official Plan Amendments take the opposite stance. The ICBL Land Use Study clearly indicates that Downtown Burlington has a high concentration of amenities, including City Hall; major public service facilities such as schools, community facilities, the Joseph Brant Hospital, a long-term care home, and retirement homes; and a number of parks and recreational areas and entertainment/cultural facilities (e.g. Art Gallery of Burlington, Performing Arts Centre). Downtown Burlington also includes a number of shopping and commercial areas. The Study also clearly shows that Downtown has high pedestrian activity and cycling demand, and that the fine-grained urban street and block network can support efficient access to transit. In addition, there is an established condition of higher-density built form in many portions of the Downtown.

The ICBL Land Use Study also provides an Analysis of Key Elements of Transit Drivers in GHTA, which compares the transit-driving potential of the Downtown Burlington MTSA, the Burlington GO MTSA and other best-performing station areas in the Greater Toronto and Hamilton Area ("GTHA"). The Downtown Burlington MTSA is scored higher than the Burlington GO MTSA in every category but one.

Downtown Burlington clearly has the conditions in place to appropriately accommodate intensification, but the City's proposed Official Plan Amendments somehow conclude that growth is better directed to a station area that has fewer existing conditions to support a vibrant, walkable and commercially successful community. We are opposed to this conclusion, and question why land use policies are not directing growth to where it can clearly be accommodated in a manner that supports Provincial and Regional directions and the success of the Burlington's cultural and commercial heart.

Conclusion

Due to the above concerns, we request that Council repeal the Interim Control By-law and reject the proposed Official Plan Amendments that would limit the potential for transit-supportive intensification within the Downtown Burlington MTSA. Specifically, we urge Council to reject the Amendments to Part

III Section 7.0 and the related Amendments that seek to re-enforce a new typology of MTSAs in order to prevent Downtown intensification (e.g. Part III Sections 7.2.1 b), 7.2.2 a), and 7.2.4).

We also urge Council reject the language in Part III Sections 7.2.2 o) and 7.2.4.2 a) that provide that density targets will not be applied on a site-by-site basis, or to require that they be amended to recognize the importance of key sites in meeting averaged density targets.

We further urge Council to direct Staff to develop land use policies that will support the growth and success of Downtown Burlington, as well as increased transit ridership in the Downtown Burlington MTSA.

Downtown Burlington is the commercial and cultural core of the City, and for that reason and the existence of downtown bus terminal it has been Provincially and Regionally identified as a UGC, a Mobility Hub and a MTSA. The City of Burlington Official Plan must reflect and support the important role that the Downtown plays in the regional growth strategy, and encourage appropriate intensification that will benefit the community widely.

Please note also that we hereby request to be notified directly of the decision of the City Council.

Sincerely,

MAC'S CONVENIENCE STORES INC.

(DBA Circle K – Central Canada)



Douglas Scanlon

Director, Lease Administration